

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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STEVEN BAGGATA,

Plaintiff,

PLAINTIFF'S INITIAL
DISCLOSURES
(FRCP § 26)

against

BOYCE EXCAVATING CO.,

Defendant.

Docket No: 07 CIV 3544
WP4 (LS)

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TO: STEVEN BAGGATA:

Defendant, by its attorneys Blustein Shapiro & Rich, LLP, hereby provides the following as and for its initial disclosures pursuant to FRCP 26:

A. The name and, if known, the address and telephone number of each individual likely to have discoverable information that the disclosing party may use to support its claims or defenses, unless solely for impeachment, identifying the subjects of the information:

**Boyce Excavating Co., Inc., 88 Monhagen Avenue, Middletown,
New York 10940, (845) 343-5400**

- Jim Szmidt, 88 Monhagen Avenue, Middletown, New York 10940, (845) 343-5400
- Kraig Roloson, 88 Monhagen Avenue, Middletown, New York 10940, (845) 343-5400
- Ivan Skulevold, 276 Temple Hill Road, Unit 102, New Windsor, New York 12553
- Mike Osborne, 88 Monhagen Avenue, Middletown, New York 10940, (845) 343-5400

- John Forni, 368 Winterton Road, Bloomingburg, New York 12721
- Al Teplitz, 1635 Route 211, Suite 7, Middletown, New York 10940
- Eric Cruz, 88 Monhagen Avenue, Middletown, New York 10940, (845) 343-5400
- Tom Schnell, 88 Monhagen Avenue, Middletown, New York 10940, (845) 343-5400
- Doug Finney, 15 Hurdes Road, New Paltz, New York 12528
- Jody Estevez, 11 Alabama Place, Middletown, New York 10940
- Pete Ackerson, 88 Monhagen Avenue, Middletown, New York 10940, (845) 343-5400
- John Pierce, 88 Monhagen Avenue, Middletown, New York 10940, (845) 343-5400
- Jim Judd, 88 Monhagen Avenue, Middletown, New York 10940, (845) 343-5400
- Bill Hempstead, 88 Monhagen Avenue, Middletown, New York 10940, (845) 343-5400
- Evan Hynes, 88 Monhagen Avenue, Middletown, New York 10940, (845) 343-5400
- John Ercolani, 88 Monhagen Avenue, Middletown, New York 10940, (845) 343-5400
- Rich Radeboldt, 88 Monhagen Avenue, Middletown, New York 10940, (845) 343-5400
- Roger Bucksbee, 88 Monhagen Avenue, Middletown, New York 10940, (845) 343-5400
- Jesse Raap, 88 Monhagen Avenue, Middletown, New York 10940, (845) 343-5400
- Ed Szmids, 88 Monhagen Avenue, Middletown, New York 10940, (845) 343-5400

- Dominick Morrocco, 88 Monhagen Avenue, Middletown, New York 10940, (845) 343-5400
- Bill Daly, Jr., 88 Monhagen Avenue, Middletown, New York 10940, (845) 343-5400
- Jason Schnell, 88 Monhagen Avenue, Middletown, New York 10940, (845) 343-5400
- Lee Cornell, 44 Forrest Drive, Port Jervis, New York 12771
- Alex Pabon, 37 Silo Lane, Middletown, New York 10940
- Sam Moreno, 88 Monhagen Avenue, Middletown, New York 10940, (845) 343-5400
- Mike Morstatt, 88 Monhagen Avenue, Middletown, New York 10940, (845) 343-5400
- Ron Hynes, 1051 Route 211 West, Middletonw, New York 10940
- Tim Gray, 88 Monhagen Avenue, Middletown, New York 10940, (845) 343-5400
- Bryan Martinez, 8 Spruce Road, Middletown, New York 10940
- Jeff VanAsslet, 560 Cape Road, Ellenville, New York 12428
- Eric Cruz, 88 Monhagen Avenue, Middletown, New York 10940, (845) 343-5400
- Lou Kearney, 88 Monhagen Avenue, Middletown, New York 10940 (845) 343-5400
- Jaime Leadley, 88 Monhagen Avenue, Middletown, New York 10940, (845) 343-5400
- Tony Tranchina, P.O. Box 141, Middletown, New York 10940
- Tom Schnell, 88 Monhagen Avenue, Middletown, New York 10940, (845) 343-5400

B. A copy of, or a description by category and location of, all documents, data compilations, and tangible things that are in the possession, custody, or control of the party and that the disclosing party may use to support its claims or defenses, unless solely for impeachment:

Plaintiff is in possession of the following items and/or documents that support its claims and contentions: plaintiff's employment application; plaintiff's Employment Eligibility Verification; plaintiff's W-4; termination letter; complaint letter; time records; Boyce Excavating Job Site Safety Policy.

C. A computation of any category of damages claimed by the disclosing party, making available for inspection and copying as under Rule 34 the documents or other evidentiary material, not privileged or protected from disclosure, on which such computation is based, including materials bearing on the nature and extent of injuries suffered:

Defendant does not make claim for any damages.

D. For inspection and copying as under Rule 34 any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment.

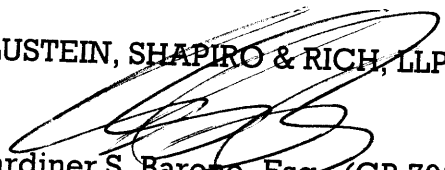
Defendant does not have any such insurance policy.

PLEASE TAKE NOTICE that the defendant has not yet retained the services of a person to provide Expert Testimony in this matter, other than any persons within the employ of plaintiff, as identified above.

PLEASE TAKE FURTHER NOTICE that plaintiff hereby reserves the right to supplement these disclosures when required under FRCP 26(e)(1).

Dated: Middletown, New York
July 18, 2007

BLUSTEIN, SHAPIRO & RICH, LLP



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15 Railroad Avenue
Chester, NY 10918

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